

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:07-CR-4-FL-1

UNITED STATES OF AMERICA,)
)
)
)
v.)
)
)
JOSEPH PLUMMER)
)
Defendant.)

ORDER

This matter is before the court on defendant's motion to reduce sentence based upon application of United States v. Simmons, 649 F.3d 237 (4th Cir. 2011). Where the Fourth Circuit's decision in United States v. Miller, No. 13-6254 (4th Cir.), which is presently set for oral argument June 25, 2013, may be relevant to the decision in this case, the court hereby HOLDS IN ABEYANCE decision on the pending motion in this case pending the Fourth Circuit's decision in Miller.

SO ORDERED, this 5th day of June, 2013.



LOUISE W. FLANAGAN
United States District Judge